

**CITY OF ROCKVILLE PLANNING DIVISION
STAFF REPORT**

January 8, 2004

SUBJECT:

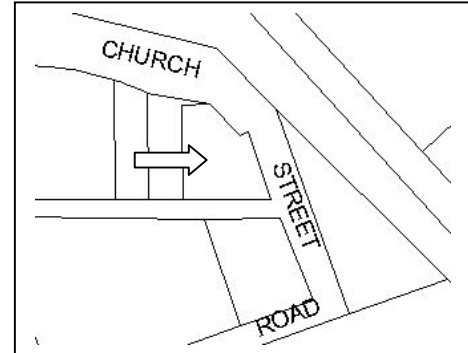
Use Permit Application USE2003-00669

Applicant: Sue Seboda
Investment Properties Inc.
807-I Rockville Pike
Rockville, Maryland 20852

Date Filed: October 31, 2003

Property Location: South side of Church Street, opposite Rockville Metro station

Planning Commission Review Date: January 14, 2003



PREVIOUS RELATED ACTION:

- Use Permit U-443-89, FSF Limited Partnership - request to construct 132,498 square feet of office and retail space, including a seven story building adjacent to the Metro station, restoration of the historic Wire Hardware building and a two-story office building; approved by the Planning Commission on September 13, 1989. Time extensions were granted but the project was never implemented.
- Historic District Certificate of Approval HD-221-89, FSF Limited Partnership - for restoration of the Wire Hardware building, removal of a one-story addition and adjacent new construction; approved by the Historic District Commission on August 15, 1989.
- Application to Close and Abandon Public Way SCA-58-89, Irwin Cooperman – for the abandonment of Middle Alley; granted by the Mayor and Council on September 25, 1989 but not recorded.
- Variance Application APP94-0545, Peerless Rockville - Request for a variance from the minimum lot area requirement of the TCO-2 Zone for the rehabilitation and reuse of the Wire Hardware store; granted by the Board of Appeals on February 5, 1994.
- Historic District Application HDC94-0061, Investment Properties, Inc. - Request for construction of a second story addition above the existing Wire Hardware building, alterations to the existing Wire hardware annex and provision of parking; approved by the Historic District Commission on November 15, 1994.

- Use Permit USE94-0536, Investment Properties, Inc. - Request for construction of a second story addition above the existing Wire Hardware building, alterations to the existing Wire hardware annex and provision of parking; approved by the Planning Commission on January 25, 1995.
- Application to Close and Abandon Public Way SCA98-0077, Church Street LLP – for the abandonment of Middle Alley; currently under consideration by the Mayor and Council. Staff was instructed to prepare the ordinance for approval on February 8, 1999.
- Historic District Commission Courtesy Review HDC98-0135, Investment Properties, Inc. – for construction of a six-story office building adjacent to the Historic District (Wire Hardware Building); recommended for approval on December 15, 1998.
- Use Permit USE98-0592, Investments Properties, Inc. – for the construction of a 93,450 square foot six-story office building; approved by the Planning Commission on April 7, 1999. A one-year Time Extension was granted by the Planning Commission on April 11, 2001, extending the Use Permit until April 22, 2002. A second one-year Time Extension was granted by the Planning Commission on April 10, 2002, extending the Use Permit approval until April 22, 2003.
- Historic District Commission Courtesy Review, Investment Properties, Inc. – for construction of a 93,450 square foot, six-story office building adjacent to the Wire Hardware Historic District; the Commission concurred that the former recommendation of approval was appropriate on December 18, 2003.

REQUEST:

This proposal is identical to the Use Permit Application USE98-0592 that was approved in 1999 but expired on April 22, 2003. In accordance with Section 25-191 of the City of Rockville Zoning and Planning Ordinance, the applicant has resubmitted a Use Permit request for construction of a 93,450 square foot, six-story office building and underground parking structure in the TCO-2 Zone. The applicant has also requested a reduction of 30 percent from the amount of parking spaces required to serve the project.

STAFF RECOMMENDATION:

Approval of the application, subject to the following conditions:

1. Submission, for the approval of the Chief of Planning, of eleven (11) copies of the site plan, revised according to Planning Commission Exhibit A, and illustrating that the following site development issues and concerns have been satisfactorily addressed:

- a) The applicant shall increase the pavement width of Church Street along the subject property frontage to 26 feet and construct the paving section with any necessary drainage modifications to business district road standards, including all necessary ROW dedications;
 - b) Extend the water line from the existing dead end along Church Street to connect to existing 8 inch water line in Baltimore Road;
 - c) Provide driveway apron entrance to the parking garage; and
 - d) Move water meter as close to right-of-way line as possible.
2. Submission, for the approval of the Chief of Planning, of eleven (11) copies of a detailed landscaping plan that is in coordination with the Forest Conservation Plat, revised to include the following:
 - a) Installation of increased landscaping in the vicinity of the parking garage access ramp to provide a buffer between the structure and the Wire Hardware building; and
 - b) That the size of the concrete cutouts for the street trees be increased to measure seven feet by seven feet.
3. Submission, for the approval of the Chief of Planning of the following:
 - a) A complete set of floor plans for the parking structure, indicating that parking space and drive aisle requirements of the Zoning Ordinance will be met; and
 - b) Detailed streetscape plans, indicating the proposed sidewalk materials, streetlight location and type and street tree location and installation details. The streetscape should be compatible in materials and design with the remaining portions of Church Street to the maximum degree possible.
4. Submission, for the approval of the Department of Public Works, of the following:
 - a) Detailed public improvement plans, shown on 24 by 36 inch City base sheets;
 - b) Submit engineering plans and computations for review and approval for sediment control, stormwater management (if required) and public improvements; and
 - c) A drainage study, including engineering plans, computations and necessary easements.
5. Submission, for the approval of the City Forester, of a final Forest Conservation Plan for the property to be coordinated with the landscaping plan.

6. That bonds be posted and permits obtained from the Department of Public Works, including public works, sediment control and stormwater management permits;
7. Mill and resurface the entire width of Church Street between the western property line to Baltimore Road and provide a geotechnical report of the existing pavement condition within this section of Church Street per the Department of Public Works requirements;
8. A Transportation Demand Management (TDM) agreement must be executed between the applicant and the City within six months of the issuance of building permits. This agreement will require the applicant to make a contribution of ten (10) cents a square foot of gross floor area of the proposed building for a period of ten (10) years, approximately \$9,345/year. These funds will be used to fund various programs designed to reduce the number and impact of vehicle trips within the planning area. These funds will be used for the purpose of TDM and the requested agreement will specify the timing and other requirements of future payments of the TDM fee. This sum will be incorporated into the City's TDM CIP fund.
9. Prior to the issuance of a building permit, the Applicant shall contribute \$64,370 (\$785/trip @ 84 trips) to the City's Transportation Improvement CIP fund to mitigate traffic impact generated by the project on the adjacent roadway network. This contribution shall be in the form of cash or the value of physical improvements/public services proposed by the applicant and approved at the sole discretion of the Director of Public Works. These funds will be directed toward pedestrian or roadway improvements in the Town Center Planning Area. The City will work with the applicant to assist them in getting credit for the County impact tax for transportation capacity improvements associated with the site.
10. Applicant shall contribute, prior to issuance of building permits, a monetary contribution of \$6,500 for the implementation of a bus shelter. This contribution will be incorporated into the City's Bus Stop Beautification CIP.
11. Applicant shall provide bicycle lockers at a location approved by the Department of Public Works. Lockers shall be provided a one locker for each 50 parking spaces associated with the building ($220/50 = 4$).
12. Five percent of office parking spaces associated with the building shall be reserved for car pools at a location approved by the Department of Public Works. ($220 \text{ spaces} \times 5\% = 11 \text{ spaces}$).
13. All internal and external traffic control devices (i.e., signs, signals, markings, and devices placed on, over, or adjacent to a roadway or pathway to regulate, warn, or guide pedestrians, and/or other vehicular traffic) shall comply with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). A signage and pavement marking plan, must be submitted to the Department of Public Works for approval by the Chief of Traffic and Transportation, prior to the issuance of a public works permit.

14. Exterior lighting fixtures must be installed so as not to reflect or cause glare onto adjacent residential properties.
15. That all new transformers and utility wires be placed underground.
16. All construction must meet the requirements of the City's construction codes, the Fire and Life Safety Codes, Maryland Building Code for the Handicapped and Federal ADA requirements.

ANALYSIS:

Site Description

The subject property is located on the south side of Church Street, between the One Church Street and Wire Hardware buildings. The property contains approximately 50,245 square feet of land area, which is a consolidation of the vacant property, Wire Hardware property, and the abandoned Middle Alley. The property is located in the TCO-2 (Town Center Office-2) Zone. The portion of the property where the office building is proposed is currently vacant and was the former storage yard for the Wire Hardware store. The property is mostly level and contains no significant vegetation. To the north of the site across Church Street is the Rockville Metro station, while to the south of the site is the Sunrise Assisted Living and Wire Hardware buildings. The latter is within the B&O Railroad Historic District. St. Mary's Church, School and Cemetery are further to the south across Baltimore Road. To the west of the site is the One Church Street office building, while to the east is the Metro and CSX railroad tracks and the former Rockville railroad station.

Project Proposal

The applicant proposes to construct a six-story office building with a 4-level underground parking garage containing 220 spaces. To maximize available density on the site, the applicant consolidated the currently vacant property, Middle Alley and the Wire Hardware property into a single record lot. The building will be 93,450 square feet in gross floor area, and will be a maximum of 74 feet in height. The building will be clad primarily in limestone-colored pre-cast concrete panels. The proposal includes continuation of the brick and concrete pedestrian plaza paving pattern found in front of the One Church Street building to form a sidewalk along the entire Church Street frontage of the building. The building's primary pedestrian entrance will be on Church Street opposite the Metro station, with a secondary pedestrian entrance on the rear (south) façade. The northwestern corner of the building includes a projecting three-sided bay that culminates in a tower element projecting above the roofline of the building. Vehicular access to the underground parking garage is gained on the east side of the building, in the vicinity of the current intersection of Middle Alley and Church Street, via a ramp descending to the parking levels. Landscaped areas are found along the western and eastern facades, and in the rear (southern) yard area outside of the vehicular ramp. The proposed 220 parking spaces within the four-level underground parking garage represent a parking reduction of 30 percent from the

required number of spaces to serve the building. Service access to the building and trash enclosure is via a smaller ramp parallel to the garage entrance ramp.

Staff Comments and Recommendation

The site of this proposal is within the Town Center Planning Area. The Town Center Master Plan outlines that the Town Center should be “a daytime, evening and weekend activity center that is easily identifiable, pedestrian-oriented and incorporates a mix of uses and activities.” Although most of these activities are expected to be concentrated in the mixed use core area, the concentration of lower intensity office uses adjacent to the core is meant to compliment those functions. The project must also comply with appropriate sections of the Town Center Chapter of the Zoning Ordinance. Relevant objectives from this chapter include, among others: encouraging quality development and enhancing the city’s economic base; emphasizing excellent urban design and improving the city’s appearance; promoting the efficient use of land; promoting the effective use of transit facilities; and implementation of a streetscape improvement program.

Land Use and Zoning

The Town Center Master Plan recommends renaming the TCO-2 zone the TC-2 zone, however, the map and text amendments to accomplish this have not yet been processed. Therefore, the existing regulations for the TCO-2 zone apply. The intent of the TCO-2 Zone is to provide office space for private, quasi-public and public uses with some general retail use in the Town Center. The TCO-2 Zone extends on the east side of MD 355 from the North Washington Street intersection to Baltimore Road. Building height is limited to 75 feet and FAR is limited to 2.0, which is less than the density permitted in the Town Center core. In addition, retail use may occupy no more than 25 percent of the gross floor area of a building. The Zoning Ordinance includes a requirement in the TCO-2 zone that the side and rear setbacks abutting a historic district shall be equal to the building height at any point, with a minimum of 25 feet. The effect of this provision is to establish a “setback plane” measured from the historic district boundary, equating to a 45-degree imaginary plane within which adjacent development must be confined; i.e., the larger the setback the taller a structure may be. Although the Sunrise Assisted Living building meets this requirement, the provision has proven difficult to interpret and apply in this instance, as the combining of the properties will result in no property line between the buildings from which a setback would be required. Staff notes that the proposal would not meet this requirement if it were applicable, yet the intent of that provision has been met as discussed later in the report. The proposed office building therefore maximizes available height and density limitations on the combined site. Staff finds that the development as proposed fits within the established framework and meets the intended type of development envisioned for the TCO-2 Zone. The TC-2 zone, as recommended, would retain many of the same standards, but provide more flexibility in terms of uses.

Architecture and Urban Design

The building successfully responds to the many potential influences affecting development on this site, as a variety of building types, architectural styles, scale and materials are present in the immediate vicinity. In addition, the combined property is partially within a historic district. The massing of the proposed building has been concentrated next to One Church Street and adjacent to the Metro station. The proposed building will be three stories shorter than One Church Street but will have a larger footprint as both the buildings contain about the same amount of floor area. The building approaches the maximum building height permitted in the TCO-2 Zone along the Church Street façade, and steps down one story on the rear façade in deference to the lower scale historic buildings at its rear. Note that the height possible in the TCO-2 Zone has been decreased since the construction of the One Church Street building.

Several architectural elements provide visual interest on the building façade. The projecting bay on the front facade appears as a tower or turret, providing a signature for the building. Staff notes that this element projects above the maximum height limitation; however, staff has determined that the tower element could qualify as a belfry or spire, and therefore would be exempt from the height limitations in the TCO-2 Zone as per Section 25-18 of the Zoning Ordinance. The primary pedestrian entrance to the building is also located in a projecting bay at the center of the front façade, which gives the entrance some visual prominence. The building responds to the curving Church Street frontage with an angled façade at the northeast corner. This allows for a small plaza and landscaped area along the eastern façade due to the continuing curve of Church Street, and also preserves the traditional view of the rear of the Wire Hardware building when approaching the structure on Church Street.

The proposed streetscape is intended to complete the established streetscape along Church Street, with brick pavers in a rectangular pattern with concrete inserts. Staff recommends that detailed plans be provided for review to ensure the compatibility of the final design with the existing elements, including streetlights and street tree installation.

A significant issue is the impact of the building on the B&O Railroad Historic District and specifically the Wire Hardware building to the rear. Since the prior review was conducted four years ago, the Historic District Commission re-reviewed the proposal on December 18, 2003 as a courtesy review in an effort to determine any adverse impact on the adjacent historic resources. The conclusion of that review was that the former recommendation was appropriate. The previous review, which was conducted on December 15, 1998 included a discussion of several concerns regarding the design including the materials used, the amount of landscaped area between the structures, and the intent of the Zoning Ordinance requirement for setbacks adjacent to the historic district in the TCO-2 Zone. Ultimately the HDC found the overall design, including the massing and building location, to be satisfactory, as a benefit of the maximum density achieved on the site is that no additional density could be added adjacent to the Wire Hardware building. The building materials and façade articulation are generally satisfactory as described. The HDC has recommended the provision of additional landscaping between the proposed building and the historic Wire Hardware building, which has been incorporated into a condition of approval.

Parking

With regard to the provision of adequate parking on the site, the Ordinance specifies that the required number of parking spaces on the site would be 312 spaces, given the requirement for office uses (one space per 300 square feet). The applicant's requested 30 percent reduction from those requirement would require provision of 218 spaces on the site, and the applicant has represented that 220 spaces will be provided in the four-level underground garage. Section 25-693(1) of the Zoning Ordinance allows the Planning Commission to reduce the number of required parking spaces for nonresidential uses in the Town Center zones by 30 percent, provided certain criteria are met. Staff finds that the application meets one of these criteria - being located within 1,500 feet of the Metro station - as it is directly across the street from the station. Staff therefore supports this request. In addition, the parking garage must meet with parking lot design standards in terms of parking space and drive aisle dimensions, and staff has recommended a condition of approval that final garage plans be submitted to ensure the final design meets these requirements. Section 25-416 of the Ordinance requires that all parking lots used at night provide adequate lighting, which the garage will also be required to meet.

Transportation

The applicant submitted a revised Traffic Impact Study in accordance with the City's Standard Traffic Methodology. Staff reviewed the submitted traffic study, which evaluated 3 nearby intersections: MD 355 and Middle Lane/Park Road; MD 355 and MD 28; and MD 355/Church Street-Monroe Place. Two of these intersections (MD 355/Middle Lane) already operate at or above the level of service threshold (.90 LOS D/E) for commercial areas in the AM or PM peak hour.

As directed by staff, the applicant employed trip generation rates based on those published by the Maryland-National Capital Park and Planning Commission (M-NCPPC) that provide for a reduction in trips generated for offices within 1,000 feet of a Metro station. This results in 75 AM peak hour trips and 120 PM peak hour trips generated by the proposal. When background and site-generated traffic is factored into these intersections, the impact of this project is a less than one percentage point decline in the level of service at MD 355/Middle Lane and MD 355/MD28 in the PM peak hours, as well as in the AM peak hour for the MD 355/Middle Lane intersection. The project impacts the intersection directly serving the development (MD 355/Church Street-Monroe Place) more significantly, but the Level of Service will only be degraded to LOS C in both peak hours.

The applicant did not propose any mitigating actions due to the stated minimal impact on the capacity of the impacted intersections. Nevertheless, under the City's Standard Traffic Methodology (STM), any further deterioration in the LOS for intersections where background traffic exceeds the threshold constitutes a significant impact. Staff therefore recommends that the applicant contribute toward TDM programs in the City through an annual contribution not to exceed \$.10 per square foot per year for a period of ten years. This is consistent with other office building approvals in the Town Center and other areas of the City. Alternatively, if the City's program is not operational to benefit the development, the applicant could operate its own

TDM program for the building to achieve reductions in the amount of trips generated by the site. A TDM agreement specifying this would have to be established with the approval of the City Attorney and Department of Public Works. If TDM-based trip generation rates for development within 1,000 feet of a Metro station are applied, the project's impact is reduced by 9 percent (AM) and 32 percent (PM) at MD 355/Middle Lane. In addition, staff is requiring the applicant to contribute \$785.00 per trip or \$64,370.00 towards transportation improvements in the Town Center Planning area.

Landscaping and Forest Conservation

No significant vegetation or tree cover exists on the property, and a combined landscape and forest conservation plan has been submitted. The plan shows trees planted along the street frontage as required, and also within the landscaped areas shown on the site plan. Staff recommends that the landscaping plan be enhanced with additional plantings such as shrubs to enhance those areas and the landscaped buffer between the building and the Wire Hardware building. In terms of screening, staff and the HDC are concerned that the screening between the paved entrance driveways for the project and the Wire Hardware building should be enhanced, and has recommended a condition of approval to this effect.

Public Works

The Department of Public Works has reviewed and approved the applicant's Stormwater Management (SWM) Concept Plan for the development. The concept provides for on-site water quality control for the project via the use of an underground stormceptor, which is acceptable given the existing storm drain grades and lack of on-site surface area to accommodate other methods of water quality control. The City Manager approved a waiver of water quality control for the adjacent right-of-way, as well as a waiver of quantity control for both the development and the adjacent right-of-way. Detailed engineering and an SWM easement will be required prior to issuance of other permits.

As Church Street curves, the existing pavement is only 24 feet, which is a substandard pavement width in the City. Public Works has recommended that the existing pavement section for Church Street be expanded by two feet to 26 feet in the vicinity of the project, per Section 21 of the Rockville City Code, to bring the road more into compliance with minimum acceptable horizontal geometry requirements. Public Works also recommended that the applicant mill and resurface Church Street across the entire 26-foot road width from the western edge of their frontage to Baltimore Road.

Finally, Public Works recommended that the applicant extend the existing 8-inch water line in Church Street to the south side of the new garage entrance. This will allow the City to connect the new line to an existing 8-inch line in Baltimore Road. The connection will create a looped water distribution system which directly benefits the applicant and nearby users by improving water quality, increasing protection for fire protection, and providing an alternate water source if the water line at Church Street and Rockville Pike is cut off for repair.

Conclusion:

The project as proposed will serve to fill out the block defined by Church Street and Baltimore Road. Staff finds that the project meets the intent of the TCO-2 Zone and has been sensitively designed to be compatible with its surroundings. Based on all of the noted factors, staff finds adequate justification to recommend approval of Use Permit USE2003-00669, as well as the requested 30 percent parking reduction, subject to the conditions referenced on page two and three of this staff report.

Public Notification

Postcard notifications were sent to all 14 property owners in the area bounded by Veirs Mill Road, Rockville Pike and the Rockville Metro station and tracks. Cards were sent in advance of the Planning Commission meeting. In addition, notification letters were sent to the Presidents of the East Rockville Civic Association and the Americana Center Condominium Association.

/mmh

Attachments